

Appendix 7 - Concurrent Right to Demolish - Final Draft

Appendix 7

Concurrent Right to Demolish a Building in the Architectural Preservation District

Section 21-858. Additional or concurrent right to demolish buildings in the Architectural Preservation District.

- a) In addition to the right of appeal, the owner of a building or structure in the architectural preservation district, the razing or demolition of which is subject to the provisions of this article, shall as a matter of right, be entitled to demolish such building or structure provided that:
- 1) The owner has applied to City Council for such right.
 - 2) The owner has, for a period of time set forth in the time schedule in Section 21-858(a)(3) and at a price reasonably related to its fair market value, made a bonafide offer to sell such building or structure and the land pertaining thereto to the city or to any person, firm, corporation or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
 - 3) No bonafide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule below. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by the other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bonafide offer to sell

referred to in this paragraph. No offer to sell shall begin more than one year after the final decision of the review board, but thereafter the owner may renew his request to the review board to approve the razing or demolition of the building or structure. The time schedule for offers shall be as follows:

Property Valued At Offer to Sell Period	Minimum
Less than \$25,000.00 months	3
\$25,000.00 - \$39,999.00 months	4
\$40,000.00 - \$54,999.00 months	5
\$50,000.00 - \$74,999.00 months	6
\$75,000.00 - \$89,999.00 months	7
\$90,000.00 or more months	12

- (4) Before making a bonafide offer to sell, an owner shall first file a statement with the Zoning Administrator. The statement shall identify the property, and state the offering price, the date the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained in Section 21-858(a)(3) shall begin to run until the statement has been filed. Within five days of receipt of a statement, copies of the statement shall be delivered by the Zoning Administrator to the City Manager, members of City Council and members of the review board.